

**For Public Use**

**KANSAS**  
**SPILL NOTIFICATION**

**Kansas Department of  
Health and Environment**

Bureau of  
Environmental  
Remediation

<http://www.kdhe.state.ks.us/spill/>

Updated December 2004

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## **SPILL REPORTING INSTRUCTIONS:**

Kansas Regulation K.A.R. 28-48 as authorized by K.S.A. 65-171d explains what is reportable to Kansas Department of Health and Environment (KDHE). K.A.R. 28-48 and K.S.A. 65-171d are included on pages 9 through 15 of this packet. To satisfy the requirements of K.A.R. 28-48-2 you must report all spills to KDHE.

**KDHE Spill / Complaint Reporting Number (24/7)                      785-296-1679**

If you call after normal business hours, the call will be routed to the Capitol Area Police who will take the report and contact KDHE staff to assist you as needed. **It is the spiller's responsibility** to report to all of the appropriate state agencies depending on the material and volume spilled.

**If the release is not contained or threatens the health or safety of the local population** the Local Emergency Planning Committee (LEPC) within the county of the release must be notified first by dialing 911. Hazardous materials spills and air releases that meet federal reportable quantities must **also** be reported to Kansas Division of Emergency Management (KDEM), which receives reports for the State Emergency Response Commission (SERC). Report natural disasters and terrorism events to KDEM.

**KDEM hazardous materials spills and air releases                      800-275-0297**

**KDEM natural disasters and terrorism events                      800-905-7521**

Spills that originate on oil and gas leases should be reported to the KCC as listed on page 8. If a spill from an oil or gas lease threatens a waterway or if you cannot reach KCC, then call the KDHE reporting number.

In addition to the Kansas reporting law you must also report any oil or hazardous material spill that threatens a waterway to the National Response Center (NRC). It is the spiller's responsibility to report such spills to the NRC.

**NRC 24-hour number                      800-424-8802**

## OTHER EMERGENCY TELEPHONE NUMBERS

### **Kansas Division of Emergency Management**

24-Hour Emergency Number	(800) 905-7521 or (785) 296-3176
24-Hour Hazardous Materials Reporting	(800) 275-0297 or (785) 296-8013
Technical Hazards Section.	(785) 274-1408
Kansas Threat Integration Center	(785) 274-1117

### **Kansas Fire Marshal Office**

Hazmat Regional Response Team Request (Local authorities may request mutual aid response)	(866)-KHAZMAT or (866) 542-9628
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### **Environmental Protection Agency (EPA)**

Kansas City Office      24-Hour Spill Number	(913) 281-0991
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### **National Spill Response Center**

24-Hour Spill Number	(800) 424-8802
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### **For Chemical Information About Spilled Material**

Chemtrec	(800) 424-9300
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### **Technical Information and Health Effects of Spilled Material**

Centers for Disease Control (24 Hours)	(404) 639-0615
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### **Kansas Department of Health and Environment**

#### Biohazard Spills and Incidents

Epidemiologist	Voice (877) 427-7317
	Pager (785) 357-5683

#### Kansas Clandestine Drug Lab

Technical advice and response (24 Hours)	(785) 368-7300
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### **Kansas Crime Reporting Number**

800-KS-CRIME or (800)-572-7463

### **Highway Patrol**

#### Office #

Headquarters, Topeka	(785) 296-6800
Troop A - Olathe	(913) 782-8100
Troop B - Topeka	(785) 296-3102
Troop C - Salina	(785) 827-4437 (24-Hour Dispatch)
Troop D - Norton	(785) 877-2562
Troop E - Garden City	(620) 276-3201
Troop F - Wichita	(316) 744-0451
Troop G – Wichita & Turnpike	(316) 682-4537 (24-Hour Dispatch)
Troop H - Chanute	(620) 431-2100
Troop K - Capital Police	(785) 296-3420 (24-Hour Dispatch)

### **Municipal Sewage Releases**

KDHE District Office:	(see District List page 7)
KDHE Topeka Office:	(785) 296-5527
After Business Hours:	(785) 296-1679

## WILDLIFE AND FISH KILLS

**KDHE Fish Kill Notification** Steve Haslouer (785) 296-0079  
(After Business Hours) (785) 296-1679

## Wildlife and Parks

CHANUTE - Region #5	(620) 431-0380
DODGE City - Region #3	(620) 227-8609
HAYS - Region #1	(785) 628-8614
KANSAS City	(913) 894-9113
TOPEKA - Region #2	(785) 273-6740
WICHITA - Region #4	(316) 683-8069
Pratt- Operations Office	(620) 672-5911
Topeka- Administration Office	(785) 296-2281
<b>Operation Game Thief</b> (Emergency CO response)	(877) GAMETHF or (877) 426-3843

**U.S. Fish & Wildlife Service** (785) 539-3474

## AGRICULTURAL RELATED SPILLS

## Pesticides and Fertilizers

Notify KDHE Spill Line (785) 296-1679

**Animal Waste Releases/Spills:**

KDHE Confined Animal Feeding Operations (CAFO)  
 KDHE District Office: see District List p. 7  
 KDHE Topeka Office: (785) 296-0077  
 After Business Hours: (785) 296-1679

# Kansas Department of Agriculture

Technical Assistance & Facility Permit Information:  
Topeka Office: (785) 296-3786  
Topeka Fax: (785) 296-0673  
Pesticides-Gary Boutz (785) 296-0672  
Fertilizers-Diane Keller (785) 296-3454

# Kansas Department of Animal Health

Traffic Accidents Involving Livestock (785) 296-2326  
Assessment of domestic livestock in transit that are injured in accidents

## **KDHE DIVISION OF HEALTH/FOOD PROTECTION AND CONSUMER SAFETY**

Topeka Central Office (785) 296-5600  
1000 SW Jackson Street, Suite 200  
Topeka, Kansas 66612

EMERGENCY After Business Hours: (785) 296-1679

## **OCCUPATIONAL SAFETY & HEALTH ADMINISTRATION (OSHA)**

Worker exposure to hazardous materials or environmental hazards:  
OSHA Area Office for Kansas Complaints (800) 362-2896

**Kansas Department of Human Resources**  
KDHR Industrial Safety and Health Compliance Consultation (785) 296-4386

## **KANSAS POISON CONTROL CENTERS**

**Mid America Poison Center (800) 332-6633**

State Coordinator University of Kansas Medical Center (913) 588-6633  
39<sup>th</sup> and Rainbow Blvd. Kansas City

Emporia Newman Medical Center (785) 434-6800  
12<sup>th</sup> and Chestnut Streets Ext. 381

Great Bend Central Kansas Medical Center (620) 792-2511  
3515 Broadway Ext. 115

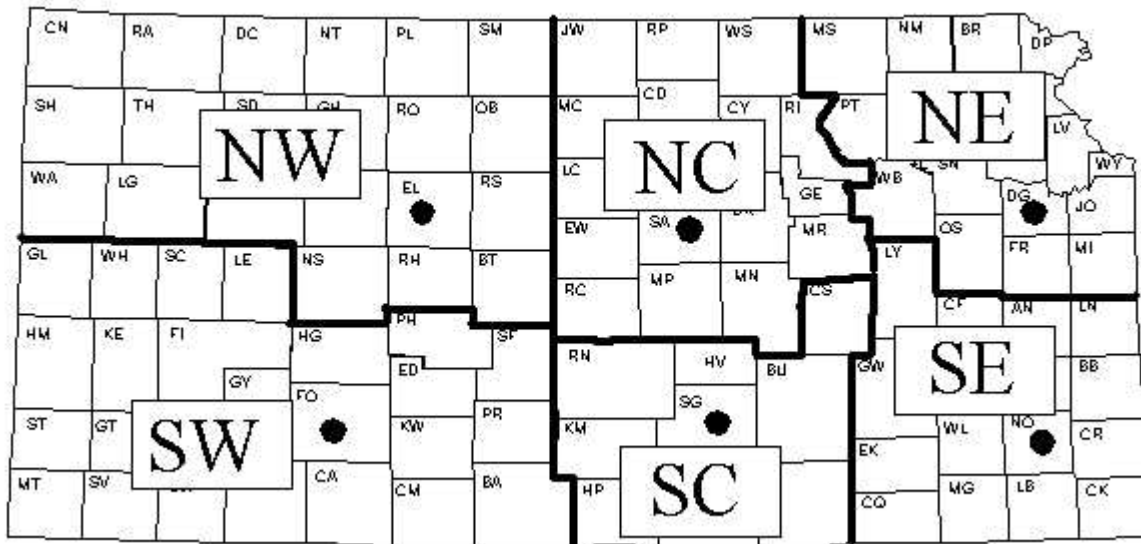
Hays Hadley Regional Medical Center (785) 628-8251  
201 East 7<sup>th</sup> Street Ext. 145

Salina St. John's Hospital (785) 827-3187  
139 North Penn Street

Topeka Stormont-Vail Medical Center (785) 354-6100  
1500 SW 10<sup>th</sup> Street

Wichita Wesley Medical Center (316) 688-2277  
550 North Hillside Avenue

## KDHE DISTRICT OFFICES – ENVIRONMENT

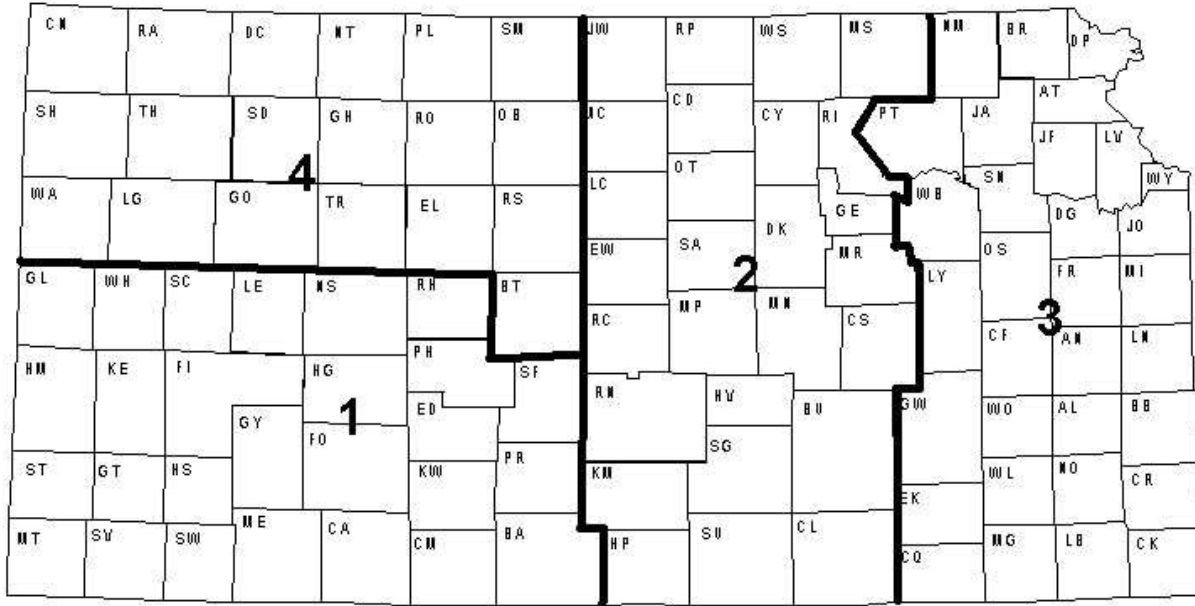


### Division of Environment/Bureau of Remediation

#### DISTRICT STAFF

	DISTRICT		PHONE and FAX	ADDRESS
1	<b><u>SOUTHWEST DISTRICT OFFICE</u></b> AL GUERNSEY, Administrator DOUG DOUBEK, Env. Geol. BRUCE ARD, Env. Geol.	<b>SWDO</b>	<b><u>(620) 225-0596</u></b> FAX (620) 225-3731	302 W. McArtor Rd., Dodge City 67801
2	<b><u>SOUTH CENTRAL DISTRICT OFFICE</u></b> MICHAEL JONES, Administrator KYLE PARKER, Env. Geol. MEER HUSAIN, Env. Geol. STANLEY MARCOTTE, Env. Scientist	<b>SCDO</b>	<b><u>(316) 337-6020</u></b> FAX (316) 337-6023	130 S. Market, 6th Floor, Wichita, KS 67202-3802
3	<b><u>SOUTHEAST DISTRICT OFFICE</u></b> DAVID STUTT, Administrator WILLIAM THORNTON, Env. Geol.	<b>SEDO</b>	<b><u>(620) 431-2390</u></b> FAX (620) 431-1211	1500 W. 7th, Chanute, KS 66720
4	<b><u>NORTHEAST DISTRICT OFFICE</u></b> JULIE COLEMAN, Administrator DANIEL KELLERMAN, Env. Geol. TOM WINN, Env. Geol. MEREDITH ROTH, Env. Tech.	<b>NEDO</b>	<b><u>(785) 842-4600</u></b> FAX (785) 842-3537	800 W. 24th Street, Lawrence, KS 66046
5	<b><u>NORTH CENTRAL DISTRICT OFFICE</u></b> RICK BRUNETTI, Administrator SCOTT LANG, Env. Geol. HOWARD DEBAUCHE, Env. Geol.	<b>NCDO</b>	<b><u>(785) 827-9639</u></b> FAX (785) 827-1544	501 Market Place, Suite D & E, Salina, KS 67401
6	<b><u>NORTHWEST DISTRICT OFFICE</u></b> DAN WELLS, Administrator BILL HEIMANN, Env. Geol. DARRELL SHIPPY, Env. Tech.	<b>NWDO</b>	<b><u>(785) 625-5663</u></b> FAX (785) 625-4005	2301 East 13th, Hays, KS 67601
	<b><u>SURFACE MINING SECTION</u></b> MURRAY BALK, Hydrologist	<b>SMS</b>	<b><u>620) 231-8540</u></b> FAX (620) 231-0753	4033 Parkview Drive, Frontenac, KS 66763

## KANSAS CORPORATION COMMISSION DISTRICT OFFICES



**District # 1**                      (620) 225-8888  
    304 W. McArtor  
    Dodge City, KS 67801  
    Field Supervisor – Steve Durrant

**Fax (620) 225-8885**

**District # 2**                      (316) 337-6231  
    130 S. Market, Rm 2125  
    Wichita, KS 67202  
    Field Supervisor – Doug Louis

**Fax (316) 337-6247**

**District # 3**                      (620) 432-2300  
    1500 W. 7<sup>th</sup>  
    Chanute, KS 66720  
    Field Supervisor – Steve Korf

**Fax (620) 432-2309**

**District # 4**                      (785) 625-0550  
    2301 E. 13<sup>th</sup> Street  
    Hays, KS 67601  
    Field Supervisor – Herb Deines

**Fax (785) 625-0564**

**Conservation Office**        (316) 337-6200  
    130 S. Market, Rm 2078  
    Wichita, KS 67202  
    Director, M. L. Korpharge

**Fax (316) 337-6211**



## **K. A. R. 28-48. – SPILL REPORTING**

28-48-1. **Definitions.** The following words and phrases when used in these regulations have the meanings respectively ascribed to them in this section.

(a) "Owner" means individual, partnership, firm, trust, company, association, corporation, institution, political subdivision or agency which is financially responsible for the material or facility.

(b) "Person responsible" means person or organization which has been placed in control of the material or facility by the owner.

(c) "Waters of the state" means all streams and springs, and all bodies of surface or groundwater, whether natural or artificial, within the boundaries of the State. (Authorized by and implementing K.S.A. 1984 Supp. 65-171d; effective May 1, 1986.)

28-48-2. **Action required.** All sewage, substances, materials, or wastes, as set forth in 65-171d, regardless of phase or physical state, which are, or threaten to contaminate or alter any of the properties of the waters of the state or pollute the soil in a detrimental, harmful, or injurious manner or create a nuisance, shall be reported in the following manner:

(a) The owner or person responsible for the discharge or escape of materials detrimental to the quality of waters of the state or pollution of the soil under conditions other than provided by a valid permit issued by the secretary of health and environment, shall report the discharge or escape to the Kansas department of health and environment.

(b) Emergency or accidental discharge of materials which are detrimental to the quality of waters of the state or tend to cause pollution of the soil shall be immediately reported to the Kansas department of health and environment by the owner, owner's representatives, or person responsible. In the event the pollution causing material is in transit or in storage within the state, the owner, carrier, or person responsible for storage shall be responsible for immediate notification to the Kansas department of health and environment that the pollutant will gain admittance to the waters of the state or the soil. (Authorized by and implementing K.S.A. 1984 Supp. 65-171d; effective May 1, 1986.)

## **K. S. A. 65-171d – PREVENTION OF WATER POLLUTION**

### **Chapter 65.--PUBLIC HEALTH**

#### **Article 1.--SECRETARY OF HEALTHAND ENVIRONMENT, ACTIVITIES**

65-171d. Prevention of water pollution; standards; permits; exemption; orders; hearings; appeals; fees; confined feeding facilities, registration prior to construction, separation distance requirements, exemptions.

(a) For the purpose of preventing surface and subsurface water pollution and soil pollution detrimental to public health or to the plant, animal and aquatic life of the state, and to protect beneficial uses of the waters of the state and to require the treatment of sewage predicated upon technologically based effluent limitations, the secretary of health and environment shall make such rules and regulations, including registration of potential sources of pollution, as may in the secretary's judgment be necessary to:

- (1) Protect the soil and waters of the state from pollution resulting from underground storage reservoirs of hydrocarbons and liquid petroleum gas;
- (2) control the disposal, discharge or escape of sewage as defined in K.S.A. 65-164 and amendments thereto, by or from municipalities, corporations, companies, institutions, state agencies, federal agencies or individuals and any plants, works or facilities owned or operated, or both, by them; and
- (3) Establish water quality standards for the waters of the state to protect their beneficial uses.

(b) The secretary of health and environment may adopt by reference any regulation relating to water quality and effluent standards promulgated by the federal government pursuant to the provisions of the federal clean water act and amendments thereto, as in effect on January 1, 1989, which the secretary is otherwise authorized by law to adopt.

(c) For the purposes of this act, including K.S.A. 65-161 through 65-171h and K.S.A. 2000 Supp. 65-1,178 through 65-1,198, and amendments thereto, and rules and regulations adopted pursuant thereto:

- (1) "Pollution" means:
  - (A) Such contamination or other alteration of the physical, chemical or biological properties of any waters of the state as will or is likely to create a nuisance or render such waters harmful, detrimental or injurious to public health, safety or welfare, or to the plant, animal or aquatic life of the state or to other designated beneficial uses; or
  - (B) such discharge as will or is likely to exceed state effluent standards predicated upon technologically based effluent limitations.
- (2) "Confined feeding facility" means any lot, pen, pool or pond:
  - (A) Which is used for the confined feeding of animals or fowl for food, fur or pleasure purposes;
  - (B) Which is not normally used for raising crops; and
  - (C) In which no vegetation intended for animal food is growing.
- (3) "Animal unit" means a unit of measurement calculated by adding the following numbers: The number of beef cattle weighing more than 700 pounds multiplied by 1.0; plus the number of cattle weighing less than 700 pounds multiplied by 0.5; plus the number of mature dairy cattle multiplied by 1.4; plus the number of swine weighing more than 55 pounds multiplied by 0.4; plus the number of swine weighing 55 pounds or less multiplied by 0.1; plus the number of sheep or lambs multiplied by 0.1; plus the number of horses multiplied by 2.0; plus the number of turkeys multiplied by 0.018; plus the number of laying hens or broilers, if the facility has continuous overflow watering, multiplied by 0.01; plus the number of laying hens or broilers, if the facility has a liquid manure system, multiplied by 0.033; plus the number of ducks multiplied by 0.2. However, each head of cattle will be counted as one full animal unit for the purpose of determining the need for a federal permit. "Animal unit" also includes the number of swine weighing 55 pounds or less multiplied by 0.1 for the purpose of determining applicable requirements for new construction of a confined feeding

facility for which a permit or registration has not been issued before January 1, 1998, and for which an application for a permit or registration and plans have not been filed with the secretary of health and environment before January 1, 1998, or for the purpose of determining applicable requirements for expansion of such facility. However, each head of swine weighing 55 pounds or less shall be counted as 0.0 animal unit for the purpose of determining the need for a federal permit.

- (4) "Animal unit capacity" means the maximum number of animal units which a confined feeding facility is designed to accommodate at any one time.
- (5) "Habitable structure" means any of the following structures which is occupied or maintained in a condition which may be occupied and which, in the case of a confined feeding facility for swine, is owned by a person other than the operator of such facility: A dwelling, church, school, adult care home, medical care facility, child care facility, library, community center, public building, office building or licensed food service or lodging establishment.
- (6) "Wildlife refuge" means Cheyenne Bottoms wildlife management area, Cheyenne Bottoms preserve and Flint Hills, Quivera, Marais des Cygnes and Kirwin national wildlife refuges.

(d) In adopting rules and regulations, the secretary of health and environment, taking into account the varying conditions that are probable for each source of sewage and its possible place of disposal, discharge or escape, may provide for varying the control measures required in each case to those the secretary finds to be necessary to prevent pollution. If a freshwater reservoir or farm pond is privately owned and where complete ownership of land bordering the reservoir or pond is under common private ownership, such freshwater reservoir or farm pond shall be exempt from water quality standards except as it relates to water discharge or seepage from the reservoir or pond to waters of the state, either surface or groundwater, or as it relates to the public health of persons using the reservoir or pond or waters there from.

(e)

- (1) Whenever the secretary of health and environment or the secretary's duly authorized agents find that the soil or waters of the state are not being protected from pollution resulting from underground storage reservoirs of hydrocarbons and liquid petroleum gas or that storage or disposal of salt water not regulated by the state corporation commission or refuse in any surface pond is causing or is likely to cause pollution of soil or waters of the state, the secretary or the secretary's duly authorized agents shall issue an order prohibiting such underground storage reservoir or surface pond. Any person aggrieved by such order may within 15 days of service of the order request in writing a hearing on the order.
- (2) Upon receipt of a timely request, a hearing shall be conducted in accordance with the provisions of the Kansas administrative procedure act.
- (3) Any action of the secretary pursuant to this subsection is subject to review in accordance with the act for judicial review and civil enforcement of agency actions.

(f) The secretary may adopt rules and regulations establishing fees for the following services:

- (1) Plan approval, monitoring and inspecting underground or buried petroleum products storage tanks, for which the annual fee shall not exceed \$5 for each tank in place;
- (2) permitting, monitoring and inspecting salt solution mining operators, for which the annual fee shall not exceed \$1,950 per company; and
- (3) permitting, monitoring and inspecting hydrocarbon storage wells and well systems, for which the annual fee shall not exceed \$1,875 per company.

(g) Prior to any new construction of a confined feeding facility with an animal unit capacity of 300 to 999, such facility shall register with the secretary of health and environment. Facilities with a capacity of less than 300 animal units may register with the secretary. Any such registration shall be accompanied by a \$25 fee. Within 30 days of receipt of such registration, the department of health and environment shall identify any significant water pollution potential or separation distance violations pursuant to subsection (h). If there is identified a

significant water pollution potential, such facility shall be required to obtain a permit from the secretary. If there is no water pollution potential posed by a facility with an animal unit capacity of less than 300, the secretary may certify that no permit is required. If there is no water pollution potential nor any violation of separation distances posed by a facility with an animal unit capacity of 300 to 999, the secretary shall certify that no permit is required and that there are no certification conditions pertaining to separation distances. If a separation distance violation is identified, the secretary may reduce the separation distance in accordance with subsection (i) and shall certify any such reduction of separation distances.

(h)

- (1) Any new construction or new expansion of a confined feeding facility, other than a confined feeding facility for swine, shall meet or exceed the following requirements in separation distances from any habitable structure in existence when the application for a permit is submitted:
  - (A) 1,320 feet for facilities with an animal unit capacity of 300 to 999; and
  - (B) 4,000 feet for facilities with an animal unit capacity of 1,000 or more.
- (2) A confined feeding facility for swine shall meet or exceed the following requirements in separation distances from any habitable structure or city, county, state or federal park in existence when the application for a permit is submitted:
  - (A) 1,320 feet for facilities with an animal unit capacity of 300 to 999;
  - (B) 4,000 feet for facilities with an animal unit capacity of 1,000 to 3,724;
  - (C) 4,000 feet for expansion of existing facilities to an animal unit capacity of 3,725 or more if such expansion is within the perimeter from which separation distances are determined pursuant to subsection (k) for the existing facility; and
  - (D) 5,000 feet for:
    - i. Construction of new facilities with an animal unit capacity of 3,725 or more; or
    - ii. expansion of existing facilities to an animal unit capacity of 3,725 or more if such expansion extends outside the perimeter from which separation distances are determined pursuant to subsection (k) for the existing facility.
- (3) Any construction of new confined feeding facilities for swine shall meet or exceed the following requirements in separation distances from any wildlife refuge:
  - (A) 10,000 feet for facilities with an animal unit capacity of 1,000 to 3,724; and
  - (B) 16,000 feet for facilities with an animal unit capacity of 3,725 or more.

(i)

- (1) The separation distance requirements of subsections (h)(1) and (2) shall not apply if the applicant for a permit obtains a written agreement from all owners of habitable structures which are within the separation distance stating such owners are aware of the construction or expansion and have no objections to such construction or expansion. The written agreement shall be filed in the register of deeds office of the county in which the habitable structure is located.
- (2)
  - (A) The secretary may reduce the separation distance requirements of subsection (h)(1) if: (i) No substantial objection from owners of habitable structures within the separation distance is received in response to public notice; or (ii) the board of county commissioners of the county where the confined feeding facility is located submits a written request seeking a reduction of separation distances.
  - (B) The secretary may reduce the separation distance requirements of subsection (h)(2)(A) or (B) if:
    - i. No substantial objection from owners of habitable structures within the separation distance is received in response to notice given in accordance with subsection (l);

- ii. the board of county commissioners of the county where the confined feeding facility is located submits a written request seeking a reduction of separation distances; or
  - iii. the secretary determines that technology exists that meets or exceeds the effect of the required separation distance and the facility will be using such technology.
- (C) The secretary may reduce the separation distance requirements of subsection (h)(2)(C) or
- (D) if:
  - i. No substantial objection from owners of habitable structures within the separation distance is received in response to notice given in accordance with subsection (I); or
  - ii. the secretary determines that technology exists that meets or exceeds the effect of the required separation distance and the facility will be using such technology.
- (j) The separation distances required pursuant to subsection (h)
  - (1) shall not apply to:
    - (A) Confined feeding facilities which were permitted or certified by the secretary on July 1, 1994;
    - (B) confined feeding facilities which existed on July 1, 1994, and registered with the secretary before July 1, 1996; or
    - (C) expansion of a confined feeding facility, including any expansion for which an application was pending on July 1, 1994, if:
      - i. In the case of a facility with an animal unit capacity of 1,000 or more prior to July 1, 1994, the expansion is located at a distance not less than the distance between the facility and the nearest habitable structure prior to the expansion; or
      - ii. in the case of a facility with an animal unit capacity of less than 1,000 prior to July 1, 1994, the expansion is located at a distance not less than the distance between the facility and the nearest habitable structure prior to the expansion and the animal unit capacity of the facility after expansion does not exceed 2,000.
  - (2) The separation distances required pursuant to subsections (h)(2)(A) and (B) shall not apply to:
    - (A) Confined feeding facilities for swine which were permitted or certified by the secretary on July 1, 1994;
    - (B) (B) confined feeding facilities for swine which existed on July 1, 1994, and registered with the secretary before July 1, 1996; or
    - (C) (C) expansion of a confined feeding facility which existed on July 1, 1994, if:
      - i. In the case of a facility with an animal unit capacity of 1,000 or more prior to July 1, 1994, the expansion is located at a distance not less than the distance between the facility and the nearest habitable structure prior to the expansion; or
      - ii. in the case of a facility with an animal unit capacity of less than 1,000 prior to July 1, 1994, the expansion is located at a distance not less than the distance between the facility and the nearest habitable structure prior to the expansion and the animal unit capacity of the facility after expansion does not exceed 2,000.
  - (3) The separation distances required pursuant to subsections (h)(2)(C) and (D) and (h)(3) shall not apply to the following, as determined in accordance with subsections (a), (e) and (f) of K.S.A. 2000 Supp. 65-1,178 and amendments thereto:
  - (4)
    - (A) Expansion of an existing confined feeding facility for swine if an application for such expansion has been received by the department before March 1, 1998; and

(B) construction of a new confined feeding facility for swine if an application for such facility has been received by the department before March 1, 1998.

(k) The separation distances required by this section for confined feeding facilities for swine shall be determined from the exterior perimeter of any buildings utilized for housing swine, any lots containing swine, any swine waste retention lagoons or ponds or other manure or wastewater storage structures and any additional areas designated by the applicant for future expansion. Such separation distances shall not apply to offices, dwellings and feed production facilities of a confined feeding facility for swine.

(l) The applicant shall give the notice required by subsections (i)(2)(B) and (C) by certified mail, return receipt requested, to all owners of habitable structures within the separation distance. The applicant shall submit to the department evidence, satisfactory to the department that such notice has been given.

(m) All plans and specifications submitted to the department for new construction or new expansion of confined feeding facilities may be, but are not required to be, prepared by a professional engineer or a consultant, as approved by the department. Before approval by the department, any consultant preparing such plans and specifications shall submit to the department evidence, satisfactory to the department, of adequate general commercial liability insurance coverage.

History: L. 1933, ch. 85, § 1 (Special Session); L. 1945, ch. 234, § 1; L. 1953, ch. 284, § 1; L. 1957, ch. 333, § 1; L. 1967, ch. 333, § 4; L. 1971, ch. 201, § 1; L. 1974, ch. 247, § 2; L. 1974, ch. 352, § 39; L. 1984, ch. 222, § 2; L. 1986, ch. 204, § 6; L. 1986, ch. 201, § 22; L. 1988, ch. 356, § 181; L. 1989, ch. 185, § 4; L. 1994, ch. 213, § 1; L. 1995, ch. 204, § 13; L. 1997, ch. 139, § 2; L. 1998, ch. 143, § 1; May 7.

## **K. S. A. 65-171v – CLEANUP OPERATIONS**

### **Chapter 65.--PUBLIC HEALTH**

#### **Article 1.--SECRETARY OF HEALTH AND ENVIRONMENT, ACTIVITIES**

65-171v. Cleanup operations for water or soil pollutants; duties of secretary; recovery of costs by attorney general and disposition thereof. Whenever a water or soil pollutant is discharged intentionally, accidentally or inadvertently and the secretary of health and environment or his or her authorized representative determines that the discharged material must be collected, retained or rendered innocuous, and if a discharger refuses to undertake cleanup operations or if the responsible discharger is unknown at the time, the secretary or his or her authorized representative may enter into an agreement with a person to conduct the necessary cleanup operations with payment for such cleanup work to be provided from the pollutant discharge cleanup fund. Any person responsible for or causing the discharge of materials which are determined necessary to cleanup under the provisions of this act shall be responsible for repayment of the costs of cleanup work upon reasonably detailed notification by the secretary or his or her authorized representative. If the responsible person fails to promptly submit payment for costs of the cleanup operations when so notified, such payment shall be recoverable in an action brought by the attorney general on behalf of the people of the state of Kansas in the district court of the county in which such costs were incurred. Any moneys recovered under this section shall be remitted to the state treasurer. Upon receipt thereof, the state treasurer shall deposit the entire amount thereof in the state treasury to the credit of the pollutant discharge cleanup fund.

History: L. 1979, ch. 269, § 2; July 1.

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